

REMARKS

In response to the Office Action dated April 30, 2008, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 6-9, 19-20, and 25 are currently pending in this application, with independent claim 25 being newly presented. Claims 1-5, 10-18, and 21-24 were previously canceled without prejudice or disclaimer.

Rejection under § 103 (a)

The Office rejected claims 6-9 and 19-20 under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent 6,947,966 to Oko, Jr., *et al.* in view of U.S. Patent Application Publication 2001/0027564 to Cowan, *et al.*, in view of U.S. Patent 6,675,384 to Block, *et al.*, and further in view of U.S. Patent 6,020,882 to Kinghorn, *et al.*

Claims 6-9 and 19-20, though, are not obvious over *Oko*, *Cowan*, *Kinghorn*, and *Block*. These claims recite, or incorporate, features that are not disclosed or suggested by U.S. Patent 6,020,882 to Kinghorn, *et al.*. Independent claim 6, for example, recites “*concatenating each rating in the default entry to produce a sequence of ratings with each rating separated by a comma*” and “*concatenating each content attribute in the default entry to produce a sequence of content attributes with each content attribute separated by a comma.*” Support for these features may be found at least at Table II of the as-filed specification. Independent claim 9 recites similar features.

These features are not obvious over *Oko*, *Cowan*, *Kinghorn*, and *Block*. *Oko* discloses how users may vote to determine the direction of a program. *See, e.g.*, U.S. Patent 6,947,966 to Oko, Jr., *et al.* (Sep. 20, 2005) at column 2, lines 46-49. *See also id.* at column 2, lines 65-67, at column 3, lines 1-14, at column 3, lines 33-52, at column 6, lines 1-10, and at numerous other places. “Based upon the votes made, the various content providers will modify the content being

sent to the viewing audience ... in real time or near real time.” *Id.* at column 6, lines 38-41. A content provider may “have optional content 86, which can be presented to network users depending upon the poll of the network users.” *Id.* at column 7, lines 19-21. *Cowan* discloses a head end unit that can switch between substitute sources of content. A community of viewers may be divided into geographic zones. *See* U.S. Patent Application Publication 2001/0027564 to *Cowan, et al.* at paragraphs [0007] and [0021]. A substitute signal source may be controlled to provide substitute channels. *See id.* at paragraph [0022]. A market researcher’s computer may determine which zone demographically suits a channel. *See id.* at paragraph [0023]. A base band switch may respond to control signals to selectively connect inputs to outputs. *See id.* at paragraph [0028]. A market researcher may control the base band switch. *See id.* at paragraph [0029].

Block discusses content labels that are used to block or substitute content. *See* U.S. Patent 6,675,384 to *Block* (Jan. 6, 2004) at Abstract, lines 2-5. *See also id.* at column 3, lines 43-46; column 3, lines 59-60; and FIGS. 1-4. A user can establish rating limits, and *Block* blocks content that has a rating exceeding the limit. *See id.* at column 2, lines 10-20. *See also id.* at column 4, lines 10-45. *Block* may even “mask” objectionable portions of a frame. *See id.* at column 8, line 55 through column 9, lines 25. *Block* may also determine the percentage of a program that exceeds a specific rating. *See id.* at column 13, lines 10-32.

Kinghorn discusses classification codes in video signals.

Still, though, the independent claims are not obvious over *Oko, Cowan, Kinghorn*, and *Block*. Their combined teaching remains silent to “concatenating each rating in the default entry to produce a sequence of ratings with each rating separated by a comma” and to “concatenating each content attribute in the default entry to produce a sequence of content attributes with each content attribute separated by a comma.” One of ordinary skill in the art, then, would not think that independent claims 6 and 9 are obvious over *Oko, Cowan, Kinghorn*, and *Block*.

Claims 6-9 and 19-20, then, are not obvious over *Oko*, *Cowan*, *Kinghorn*, and *Block*. Independent claims 6 and 9 recite many features that are not taught or suggested by the proposed combination of *Oko*, *Cowan*, *Kinghorn*, and *Block*. The dependent claims incorporate these same features and recite additional features. Because *Oko*, *Cowan*, *Kinghorn*, and *Block* are silent to all the claimed features, one of ordinary skill in the art would not think that claims 6-9 and 19-20 are obvious. The Assignee thus respectfully requests removal of the § 103 (a) rejection of claims 6-9 and 19-20.

New Claim 25

This response presents new independent claim 25. New claim 25 recites the same distinguishing features discussed above. New claim 25 replaces independent claim 13, which was previously canceled. No excess claim fee is believed due.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Scott P. Zimmerman', with a stylized flourish at the end.

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